

Congress of the United States
House of Representatives
Washington, DC 20515

December 13, 2013

The Honorable Eric K. Shinseki
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington DC 20420

Dear Secretary Shinseki,

We are writing to urge your agency to address the current disparity between grant rates of disability claims for post traumatic stress disorder (PTSD) caused by military sexual trauma (MST) and claims for PTSD arising from other causes. In particular, we urge you to grant a rule-making petition submitted to your agency in June 2013 to establish an evidentiary presumption for PTSD claims by survivors of military sexual assault similar to that already applied to PTSD claims by combat veterans under 38 C.F.R. 3.304(f)(5). Lastly, we would ask that you release 2013 MST claims data to ensure that MST survivors can be confident their claims will be adjudicated in a compassionate and fair manner.

As you know, sexual assault and harassment are serious problems in the United States armed forces that threaten the strength, readiness, and morale of the military, undermine national security, and have devastating personal effects on survivors and their families. Yet, based on records that the United States Department of Veterans Affairs (VA) withheld for years, it is evident that veterans who survive in-service sexual trauma also face discrimination in seeking compensation.

The Service Women's Action Network (SWAN), the Yale Law School Veterans Legal Services Clinic, the American Civil Liberties Union (ACLU), and the ACLU of Connecticut released a report exposing this unfair treatment. The report finds that veterans who experience sexual assault receive more denials than veterans with other types of PTSD claims. The report's other key findings raise even more cause for concern for the welfare of our veterans under your agency's current regulations and practices. The findings reveal that:

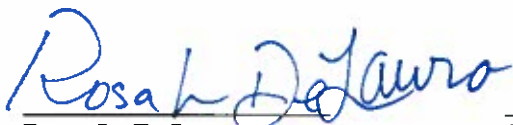
- VA granted disability benefit claims for PTSD related to MST at a significantly lower rate than claims for PTSD unrelated to MST every year from 2008 to 2012. The grant rate for MST-related PTSD has lagged behind the grant rate for other PTSD claims by between 16.5 and 29.6 percentage points every year.
- Because female veterans' PTSD claims are more often based on MST-related PTSD than male veterans' PTSD claims, female veterans overall are disparately impacted by the lower grant rates for MST-related PTSD. For every year between 2008 and 2011, a gap of nearly ten percentage points separated the overall grant rate for PTSD claims brought by women and those brought by men.

- Among those who file MST-related PTSD claims, male veterans face particularly low grant rates when compared to female veterans who file MST-related PTSD claims.
- Treatment of MST-related PTSD claims varies widely from one VA regional office to another. For example, in 2012 the St. Paul, MN office granted fewer than 26% of MST-related PTSD claims, while the Los Angeles, CA office granted nearly 88% of the claims it considered. An MST survivor's likelihood of securing disability compensation for PTSD currently depends on where he or she lives.

We find these facts to be unacceptable and urge quick action by VA in response. Although VA recently released 2013 data suggesting some improvement, unjust gaps in the grant rates persist. Moreover, VA has offered no evidence of improvement in the geographic variation in its treatment of MST-related PTSD claims. To address these longstanding problems, VA should grant the rule-making petition that has been pending before it for nearly five months and should use the PTSD combat regulation as a model to relax the evidentiary standard that applies to survivors of military sexual assault under 38 C.F.R. 3.304(f)(5). We also urge VA to further improve its training, oversight, transparency, and record keeping in order to eliminate discrimination in the adjudication of MST-related PTSD claims.

We look forward to hearing from you on your agency's efforts in this matter. Given the gravity of the report's findings and our shared commitment with VA to serving our veterans, we are optimistic that we can work together to ensure that our veterans receive the disability benefits they need and deserve.

Sincerely,



Rosa L. DeLauro
Member of Congress



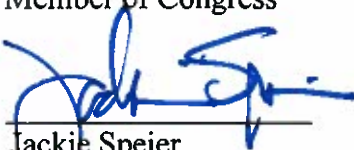
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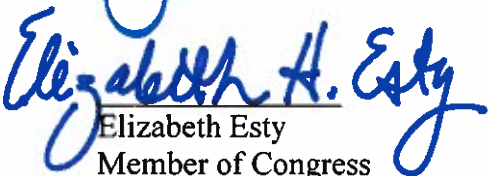
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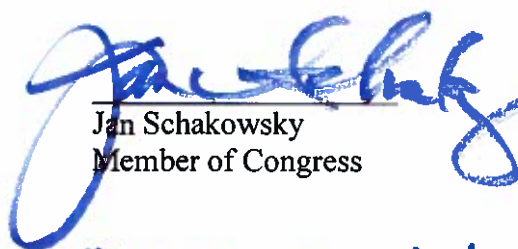
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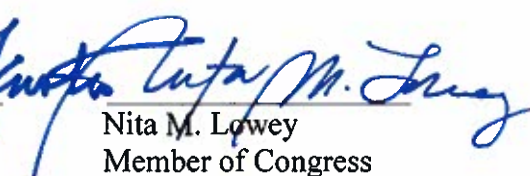
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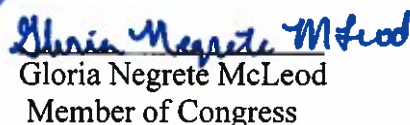


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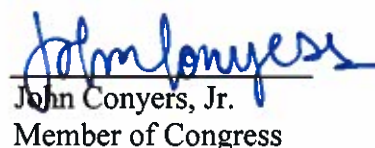

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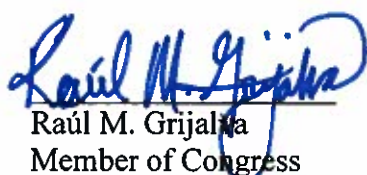

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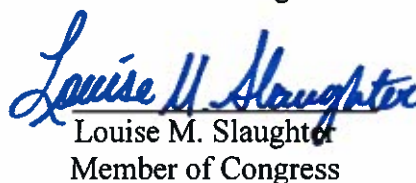

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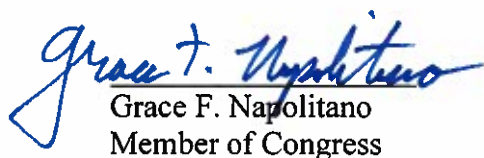

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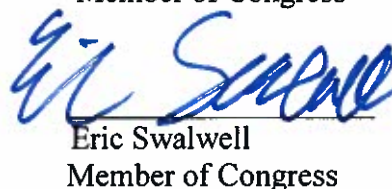

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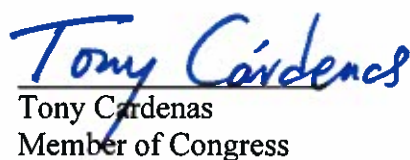

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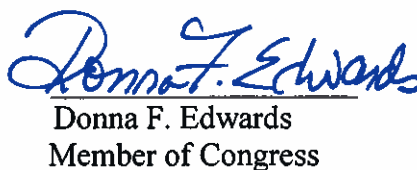

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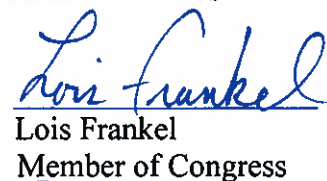

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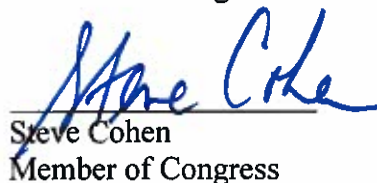

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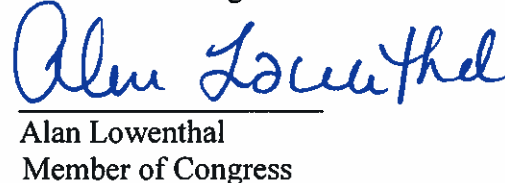

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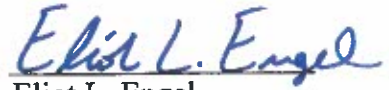
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